Mr. SPEAKER.—If it is a matter of breach of privilege of the member, the member concerned may give notice to me and I will examine and if it could be allowed *Prima facie* I will allow. The whole matter can then be discussed in this House.

MYSORE REVENUE APPELLATE TRIBUNAL BILL, 1957.

(Clauses continued).

Clause 3.

Sri V. S. PATIL (Belgaum I).—I beg to move :

> "That in sub-clause (3) after the words 'Government shall', the words 'in consultation with the Public Service Commission' and after the word 'members' the words 'who was a High Court Judge or at least qualified to be a High Court Judge' shall be added."

Mr. SPEAKER.—Amendment moved :

> "That in sub-clause (3) after the words 'Government shall', the words 'in consultation with the Public Service Commission' and after the word 'members' the words 'who was a High Court Judge or at least qualified to be a High Court Judge' shall be added."

Sri V. S. PATIL.—Sir, in moving this amendment I want that the Public Service Commission which is formed under the Constitution should have a right to be consulted when these appointments are made. As I said yesterday, this Tribunal is the final and highest authority in appeal just below the High Court and in certain matters it is the final authority. So, when such a body is to be constituted, I feel that the matter should not be left untrammelled in the hands of Government. In the ordinary course, even appointments of lower grade servants are to be made in consultation with the Public Service Commission. Clause (b) Article 120 lays down the duties of the Public Service Commission, but I am afraid that the Government may take shelter under the proviso to that article or under sub-clause (4) of that article. Hence, to make it quite specific that Government should not be the sole authority to make appointments to these high posts, I have suggested that the Public Service Commission should be consulted. When the Government is bound down to take the opinion of the Public Service Commission in regard to lower appointments, I do not think that Government will grudge to take the opinion of this high authority when they make these appointments to high posts.

The second part of my amendment is that, when the Government wants to appoint the Chairman, the Chairman must be a man who has held the post of a High Court Judge. That is to say, he must be a person like a retired High Court Judge because this man will have the greatest responsibility upon him and he should be above any sort of influence. So, I submit that both these amendments, if accepted, will not expose Government to any likely criticism that may be levelled against them. There must be some restrictions upon these appointments and so I have moved these amendments. I request the Hon'ble Minister to accept them.

***Sri M. P. PATIL** (Minister for Revenue).—Sir, I oppose this amendment. I agree with the Hon'ble Member that the members of this Tribunal must be men of high status. They will be practically of the status of High Court Judges. That is the very reason why the appointments of such members should not be entrusted to the Public Service Commission. For instance, when the Judges of the High Court are appointed, their appointments are never referred to the States Public Service Commission or the Union Public Service Commission. They are appointed by the President himself at his pleasure and that is the practice followed everywhere. There are such tribunals in almost all the States and nowhere the appointments of the members of these tribunals have been referred to the Public Serviec Commission. Therefore, I do not think it is desirable to consult the Public

Service Commission so far as the appointments of the members of these tribunals are concerned.

The other point is that the Chairman should be of the status of a High Court Judge. The House has accepted the qualifications of the three members. One of them is to be a District Judge and the other two members are to be Collectors or Deputy Commissioners. Naturally, one of them will be appointed as the Chairman. If we accept this amendment, this will necessitate changes as regards qualifications in sub-clauses (a) and (b) of clause 3 (1). I, therefore, oppose this amendment.

Mr. SPEAKER.—The question is:

"In sub-clause (3) after the words 'Government shall', the words 'in consultation with the Public Service Commission' and after the word 'members' the words 'who was a High Court Judge or at least qualified to be a High Court Judge' shall be added".

The motion was negatived.

Sri V. S. PATIL.—Sir, I beg to move:

'In sub-clause (4) (a), line 3 for the words "three" and "two" the words "two" and "three" shall be substituted.'

Mr. SPEAKER.—Amendment moved:

'In sub-clause (4) (a), line 3 for the words "three" and "two" the words "two" and "three" shall be substituted.'

Sri V. S. PATIL.—Sir, this is merely a technical amendment that has been moved because the figure 'two' always comes before the figure three. The second reason is that, whenever cases are heard, usually they are heard before a bench consisting of two persons. Only in rare cases, cases are referred to a bench consisting of three members. So, the letter "two" must come before the letter "three". Apparently, this appears to be a mistake on the part of the draftsmen. I hope that Government will not hesitate to accept my amendment simply because it has been tabled by a member from the Opposition.

Sri M. P. PATIL.—Sir, as far as this amendment is concerned, I agree it will not make any difference. I cannot understand why it should be changed. Therefore, I stick to the wording as it is in the Bill.

Mr. SPEAKER.—The question is:

'In sub-clause (4) (a), line 3 for the words "three" and "two" the words "two" and "three" shall be substituted.'

The motion was negatived.

Sri V. SRINIVAS SHETTY (Coondapur).—Sir, I withdraw my amendment No. (iii).

Sri V. S. PATIL.—Sir, I beg to move:

"Proviso to sub-clause (4) (a) shall be deleted."

Mr. SPEAKER.—Amendment moved:

"Proviso to sub-clause (4) (a) shall be deleted."

Sri V. S. PATIL.—The proviso is:

"Provided that if in any case which comes before a Bench of which a District Judge is not a member and which involves a question of law, the Bench may, in its discretion, reserve such case for decision by a Bench of which a District Judge is a member."

So, it means that if two revenue officers constituting a Bench differ in their opinion and if the case involves a question of law, then that Bench should reserve it to a Bench consisting of a District Judge. If we read sub-clause (c), it will be seen that the intention of this proviso is to give more credence to the opinion of the District Judge rather than to the revenue officers. If that is the intention of this proviso, then sub-clause (c) will come in conflict with this proviso, because under that sub-clause the opinion of the majority is to prevail. Suppose there is a Bench which consists of three persons of which a District Judge is also a member. Naturally, the majority of the members will be revenue officers and so the legal

(SRI V. S. PATIL)

opinion of the person who is deemed to be an expert in law will have absolutely no value. So I think that if we are to retain sub-clause (c), this proviso is quite unnecessary as it might create some confusion in the working of this Tribunal. I submit that this proviso will have to be deleted if the working of this Tribunal is to go on smoothly. There is a provision that when three members sit in a Tribunal the decision is to be given by the majority. This is a new proviso altogether and it is completely inconsistent with the powers given to the various members. So I submit that in the interest of the proper working of this body this proviso should be deleted.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಈ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ನಾನು ಒಪ್ಪುತ್ತೇನೆ. ಕಾರಣ ಇಷ್ಟೆ. ಈ ಪ್ರಾವಿಸೋ ಡಿಸ್‌ಕ್ರಿಮಿನೇಟ್ ಮಾಡುವ ರೀತಿಯಲ್ಲಿ ಇದೆ. ಏತಕ್ಕೆಂದರೆ ನೀವು ಇಬ್ಬರು ಬುದ್ಧಿವಂತರನ್ನು ಮತ್ತೊಬ್ಬ ಜಡ್ಜಿಯನ್ನು ನೇಮಕಮಾಡಬೇಕೆಂದಿದ್ದೀರಿ. ಯಾವುದಾದರೂ ಒಂದು ಕಾನೂನು ವಿಚಾರದಲ್ಲಿ ವ್ಯತ್ಯಾಸ ಬಂದು ಅದೇನಾದರೂ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್ ಮುಂದೆ ಬಂದರೆ, ಹೇಗೆ ಅವರು ತೀರ್ಮಾನ ಮಾಡಬೇಕು ? ಹೇಗೆ ನ್ಯಾಯ ದೊರಕುತ್ತದೆ ? ಅವರಿಬ್ಬರಲ್ಲಿ ವ್ಯತ್ಯಾಸವಿರುವಾಗ ಇಬ್ಬರೂ ಆರ್ಗ್ಯೂ ಮಾಡುತ್ತಾರೆ. ಇಬ್ಬರೂ ಡಿಸ್‌ಅಗ್ರಿ ಆಗುತ್ತಾರೆ. ಹೀಗಾದರೆ ಇದನ್ನು ತೀರ್ಮಾನ ಮಾಡುವವರು ಯಾರು ? ಆಗ ಯಾರು ತೀರ್ಮಾನ ಮಾಡುವುದು ? ಆಗ ಇಬ್ಬರೂ ಐದು ನಿಮಿಷ ಒಂದು ಕಡೆ ಕುಳಿತುಕೊಂಡು ಕೈಯ್ಯಲ್ಲಿ ಜಪಮಾಲೆ ಇಟ್ಟುಕೊಂಡು ಮಂತ್ರ ಹೇಳಿದರೂ, ಅವರಿಬ್ಬರೂ ಡಿಸ್ಸಗ್ರಿ ಆಗಿದ್ದರೆ ಏನು ಮಾಡುವುದಕ್ಕಾಗುತ್ತದೆ ? ಆದ್ದರಿಂದ ಇದು ಸರಿಯಾದ ಡ್ರಾಫ್ಟ್ ಆಗುವುದಿಲ್ಲ. ಎಲ್ಲಾ ಕಾನೂನುಗಳನ್ನೂ ತಿಳಿದ ನಮ್ಮ ಸರ್ಕಾರ ಇಂತಹ ಬಿಲ್ಲನ್ನು ತರುವಾಗ ಸ್ವಲ್ಪ ದೂರಾಲೋಚನೆ ಮಾಡಬೇಕು. ಎರಡು ಕೈ ಸೇರಿದರೆ ಚಪ್ಪಾಳೆ ಆಗುತ್ತದೆ. ಆದ್ದರಿಂದ ಇವರಿಬ್ಬರೂ ಹತ್ತಿರವಿದ್ದರೆ ತಾನೇ ಒಂದು ಕೇಸು ಇತ್ಯರ್ಥವಾಗಬೇಕು. "All right there is a law point; let us refer this matter to a Bench where a District Judge is sitting" ಎಂದು ಹೇಳಿದರೆ ಏನು ಮಾಡಬೇಕು ? ಕಾನೂನು ವಿಚಾರದಲ್ಲಿ ಏನಾದರೂ ಭಿನ್ನಾಭಿಪ್ರಾಯ ಇದ್ದು ಇವರಿಬ್ಬರೂ ಮಧ್ಯೆ ಬಂದರೆ ಕೇಸನ್ನು ಬಗೆಹರಿಸುವುದು ಹೇಗೆ ? ಯಾರು ಇತ್ಯರ್ಥ ಮಾಡುತ್ತಾರೆ ? ಲಾಯರು ಹೇಳಿದರೆ ಒಪ್ಪುತ್ತಾರೆಯೇ ? ಆಗ ಕ್ಲೈಂಟ್ಸ್ ಜಡ್ಜಿಗಳ ಮತ್ತು ಲಾಯರುಗಳ ಮುಂದೆ ಉದ್ದಕ್ಕೂ ಅಡ್ಡ ಬೀಳಬೇಕಾಗುತ್ತದೆ. ನಾನು ಸರಿಯೋ, ನೀನು ಸರಿಯೋ ಎಂಬ ಭಾವನೆ ಇಬ್ಬರಲ್ಲಿಯೂ, ಉಂಟಾಗತಕ್ಕ ಕಾನೂನನ್ನು ಇದರಲ್ಲಿ ಸೇರಿಸಿದರೆ ಅಂತಹ ಕೇಸುಗಳು ಏನಾದರೂ ಇತ್ಯರ್ಥವಾಗಬೇಕಾದರೆ ಲಾಯರುಗಳ ಮತ್ತು ಕ್ಲೈಂಟ್ಸ್‌ಗಳ ಗತಿಯೇನು ? ಇವೊತ್ತು ಬುಧವಾರ, ರಾಹುಕಾಲ ಮುಗಿದಿದೆ, ಇದನ್ನು ಈಗ ಡಿಲೀಟ್ ಮಾಡಿದರೆ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಶ್ರೀಮಾರ್ಕ ರುದ್ರಪ್ಪನವರು ಲಾಯರಾಗಿದ್ದರು. ಮುಖ್ಯಮಂತ್ರಿಗಳೂ ಲಾಯರಾಗಿದ್ದರು. ಆದರೆ ಮಾನ್ಯ ಸದಸ್ಯರು ಲಾಯರಾಗಿದ್ದರೋ ಏನೋ ಗೊತ್ತಿಲ್ಲ. ಇದು ಒಂದು ದೊಡ್ಡ ಅನಾಮಲಿ ಆಗಿರುತ್ತದೆ. ಬೆಂಚಿನಲ್ಲಿ ಇಬ್ಬರೂ ಡಿಸಗ್ರಿಯಾಗಿ ಕೊನೆಗೆ ಇಬ್ಬರಿಗೂ ಕಚ್ಚಾಟ ಬರುತ್ತದೆ. ಆಗ ಸರ್ಕಾರದವರು ಟ್ರಿಬ್ಯೂನಲ್ ಮಾಡಿ ಏನೂ ಪ್ರಯೋಜನವಾಗುವುದಿಲ್ಲ. 'ಕೇಸು ಚೇರಮನ್ ಮುಂದೆಯೇ ಹೋಗಲಿ, ನನ್ನ ಮಾತಿಗೆ ಅವರು ಒಪ್ಪುತ್ತಾರೆಂದು' ಇಬ್ಬರೂ ಕಚ್ಚಾಟ ಮಾಡುವ ಸ್ಥಿತಿಗೆ ಬರುತ್ತಾರೆ. ಇದರಿಂದ ಈ ಕ್ಲಾಸನ್ನು ಡಿಲೀಟ್ ಮಾಡುವುದೇ ಉತ್ತಮ. ಸರ್ಕಾರದವರಿಗೆ ಇದರಿಂದ ಏನೂ ಅನ್ಯಾಯವಾಗುವುದಿಲ್ಲ. ಹಿಂದೆ ಮಂತ್ರಿಗಳು ಸ್ವಲ್ಪ ಉದ್ರಿಕ್ತರಾಗಿದ್ದರು. ಈ ಪ್ರಾವಿಸೋ ಏನಿದೆ ಅದನ್ನು ಸರಿಯಾದ ವಿವೇಚನೆಯಿಂದ ತಂದಿದ್ದಾರೆಂದು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಈ ಸಭೆಯಲ್ಲಿ ಮಂಜೂರಾದ ಕಾನೂನುಗಳು ಹೈಕೋರ್ಟಿನ ಮುಂದೆ ಹೋದಾಗ, ಅದರಲ್ಲೇನಾದರೂ ಸ್ವಲ್ಪ ವ್ಯತ್ಯಾಸವಿದ್ದರೆ ಅವರು ಒಂದು ರಾಮಾಯಣದಷ್ಟು ಆ ಕಾನೂನುಗಳ ಮೇಲೆ ಟೀಕೆ ಟಿಪ್ಪಣಿಗಳನ್ನು ಬರೆಯುತ್ತಾರೆ. ಈ ಕಾನೂನುಗಳನ್ನು ಮಾಡಿದವರು ಯಾರು ? ಎಂದು ಟೀಕಿಸುತ್ತಾರೆ. ಅದೂ ಅಲ್ಲದೆ ಲೆಜಿಸ್ಲೇಚರ್ ಇದನ್ನು ಯೋಚನೆ ಮಾಡಲಿಲ್ಲವೇ ಎಂದು ಕೇಳುತ್ತಾರೆ. ಸರ್ಕಾರದವರೇನೋ ಅವರ ದೃಷ್ಟಿಯಿಂದ ತಮ್ಮ ಗೌರವವನ್ನುಳಿಸಿಕೊಳ್ಳಬಹುದು. ಆದರೆ ದೇಶದ ಗೌರವವನ್ನು ಕಾಪಾಡುವ ಈ ಸಭೆಯು ಇಬ್ಬರು ಅಧಿಕಾರಿಗಳ ಕೈಗೆ ಒಂದು ಕಾನೂನನ್ನು ಕೊಟ್ಟಾಗ್ಗೆ ಅದನ್ನು ಕಾರ್ಯಗತ ಮಾಡುವಾಗ ಅವರಿಗೆ ಎಷ್ಟು ತೊಂದರೆ ಬರುತ್ತದೆ ಎಂಬುದನ್ನು ನೋಡಿ ಅದನ್ನು ನಿವಾರಣೆ ಮಾಡುವುದು ನಮ್ಮ ಕರ್ತವ್ಯ. ಅದಕ್ಕೋಸ್ಕರ ಈ ಪ್ರಾವಿಸೋ ಏನಿದೆ ಅದನ್ನು ತೆಗೆದರೆ ಸರ್ಕಾರಕ್ಕೇನೂ ತೊಂದರೆಯಾಗುವುದಿಲ್ಲ. ಇದರಲ್ಲಿ ಇಬ್ಬರೂ ಡಿಸಗ್ರಿ ಆದಾಗ್ಗೆ ಏನು ಮಾಡಬೇಕೆಂಬುದಕ್ಕೆ ನಮ್ಮ ಸರ್ಕಾರದವರು ಈ ಕ್ಲಾಸಿನಲ್ಲಿ ಸ್ಪಷ್ಟವಾದ ರೆಮಿಡಿಯನ್ನು ಇಟ್ಟಿಲ್ಲ. ಅದಕ್ಕೋಸ್ಕರ ಈ ಪ್ರಾವಿಸೋ ಅನ್ನು ತೆಗೆದು ಹಾಕಬೇಕು. ಆಗ ಜಡ್ಜಿಗಳಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ, ಲಾಯರುಗಳಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಕ್ಲೈಂಟ್ಸ್‌ಗಳಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ ಮತ್ತು ಜನಗಳು ಕಷ್ಟಕ್ಕೆ ಸಿಕ್ಕದಹಾಗೆಯೂ ಆಗುತ್ತದೆ. ಸರ್ಕಾರದವರು ನಾನು ಹೇಳಿದಂತೆ ಒಪ್ಪುತ್ತಾರೆಂದು ಹೇಳಿ ನನ್ನ ಭಾಷಣವನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri Y. VEERAPPA (Holenarsipur).—Sir, while supporting the amendment moved by my Hon'ble friend Sri V. S. Patil I submit that looking to the very object of sub-clause (a) and the proviso, we must attach more importance to the opinion of the District Judge. The idea is that in case the other two non-official members fail to properly interpret or construe the case before them the District Judge would be the competent person to give a proper interpretation and to see that justice is meted out. If sub-clause (c)

is retained in its entirety then I think the very object of sub-clause (a) would be frustrated. In this context the amendment moved by the Hon'ble Member has got some force in it. I submit that the drafting of the clause is hopelessly bad. If these two sub-clauses are read together, the object is not clearly brought out and they do not give any sense to the reader. My submission, therefore, is that either the entire proviso to sub-clause (a) should be deleted or if that is to be retained then sub-clause (c) should be deleted. Therefore, I think the Government does not find any difficulty because it stands for reason because the value attached to the District Judge is entirely frustrated if sub-clause (c) is retained. Therefore, I hope, the amend ment would be accepted; at any rate, corrections and alterations would be effected.

2-30 P.M.

Sri V. SRINIVAS SHETTY (Coondapoor).—On the face of it, this proviso seems to be innocuous. If we look to the implication, it is pregnant with dangerous potentialities. Here, practically, in every case that comes before the court there is a question of law, intricate or otherwise. So, if a court is given an opportunity of referring a matter to another Tribunal consisting of a District Judge, what will be the result? In every case there is a point of law and this proviso gives a handle to a Tribunal consisting of only two members to adjourn every case to another Tribunal consisting of a District Judge. Sir, we are already hearing of long and series of adjournments of cases in courts of law. This will be giving another handle to lazy Members of a Tribunal, if there are any, who do not want to work and the lawyers and these Members to combine and adjourn. The lawyer will say: 'It involves a question of law and I want an adjournment.' The Member will say, 'yes'. So, practically the work of this Tribunal would be held up if these join together and this will give a handle to the Members of the Tribunal also to refer every case to the Tribunal consisting a District Judge. Supposing, Government removes this proviso; what is the difficulty? Should every simple question of law be referred to the Tribunal consisting of District Judge? Are not Deputy Commissioners or Collectors empowered or entitled or not have the intelligence enough to decide ordinary questions of law, for example, revenue law? Proviso in (c) says, when two Members do not come to an understanding, they will have to refer the matter to the Tribunal consisting of a District Judge. Why give this handle wherever there is a simple question of law? My submission is, this is unnecessary.

Sri ANNA RAO GANAMUKHI (Afzalpur).—Sub-clause (c) says only a Bench conisting of three Members; District Judge need not be a Member of the Bench.

Sri V. SRINIVAS SHETTY.—I am sorry; I am referring to (b).

Sri ANNA RAO GANAMUKHI.—There also, District Judge need not be necessarily a Member.

Sri V. SRINIVAS SHETTY.—Practically, I still hold the view that it gives a handle to these Members to refer every case to the District Judge. After all, the question of revenue cases, tenancy cases or co-operation cases might come up where a District Judge may not be more competent than the District Collector or Deputy Commissioner. My submission is it is unnecessary that all these cases are referred to a District Judge. This proviso, in my opinion, is unnecessary and may be deleted. I heartily endorse the amendment moved in this behalf.

*Sri M. P. PATIL.—Sir, I do not agree with the arguments advanced by the Hon'ble Members and therefore oppose the amendment. Sir, the two clauses are quite different. The first clause refers to a case where the members of the Bench have any difference of opinion on the point of law and if they think that it should be referred to a third person that is to be referred to the District Judge. So, the proviso to clasue 4 (a)

(SRI M. P. PATIL)

will concern itself to only cases where two members differ on a point of law and they also agree to refer it to the District Judge. But, if they differ on points of fact, clause (b) will apply and it will be referred to the third person. Sometimes, it may happen that out of two persons, one may be a District Judge and the other may be a Revenue Officer. Under the circumstances, if they differ on a point of law, the opinion of the District Judge will prevail and there is no necessity to refer it to the third person. If both the members are revenue officers, then it would be referred to a Bench consisting of a District Judge. In clause (b), whenever they differ on a point of fact, it may be referred to a third person and that third person may be a District Judge or a Revenue Officer. When the Bench consist of the District Judge and if there is difference of opinion on a point of law, the opinion of the District Judge will prevail. Supposing, they differ on other points. Then, though the District Judge is there, it will be referred to a third Member and the three Members will sit together and decide. In this connection I may point it that even in the High Court, when two Judges differ, a Bench of three Judges sit and decide the case. That is the procedure followed here. There is nothing wrong. Even if you provide one clause and drop the other clause, that will also not serve any purpose.

MR. SPEAKER.—The question is:

"That proviso to sub-clause (4) (a) shall be deleted".

The motion was negatived.

MR. SPEAKER.—Regarding amendments to sub-clause 4 (b), (c), I would like to clarify one point. The amendments tabled by Sri V. S. Patil and Sri K. Mallappa are on many points common and I would like to put the amendment of Sri K. Mallappa so that the position would be quite clear and the substance of Sri V. S. Patil's amendment is also met.

SRI K. MALLAPPA (Mercara).—Sir, I rise to move the amendment standing in my name.

"That in sub-clause (4), for items (b) and (c), the following item shall be substituted, namely :—

'(b) where an appeal or application is heard by a Bench consisting of two or more members, the appeal or application shall be decided in accordance with the opinion of such members or of the majority (if any) of such members:

Provided that where the Bench hearing the appeal or application is composed of two members and the members composing the Bench differ in opinion on any point material for the decision of the case they shall state such point, and the case shall then be heard upon that point only by another member of the Board, and such point shall be decided according to the opinion of the majority of the members including those who first heard it'."

MR. SPEAKER.—Amendment moved

"In sub-clause (4), for items (b) and (c), the following item shall be substituted, namely :—

'(b) Where an appeal or application is heard by a Bench consisting of two or more members, the appeal or application shall be decided in accordance with the opinion of such members or of the majority (if any) of such members :

Provided that where the Bench hearing the appeal or application, is composed of two members and the members composing the Bench differ in opinion on any point material for the decision of the case, they shall state such point, and the case shall then be heard upon that point only by another member of the Board, and such point shall be decided according to the opinion of the majority of the members including those who first heard it'."

SRI K. MALLAPPA.—Sir, clause (b) of the Bill refers to a Bench of two

Judges. It is stated therein that when an appeal or application is referred by a Bench of two Judges and if they differ in their opinions, then the whole case shall be referred to a Bench consisting of three members. Sub-clause (c) refers to a bench of three judges where the majority decision prevails. The procedure provided in clauses (b) and (c) is somewhat cumbersome and may involve delay. My object in tabling this amendment is to see that this cumbersome procedure is simplified and the disposal of the case is expedited. Now, instead of referring the case to be heard *de novo* by a bench of three judges, I have proposed that the point on which the two judges differ—and that point alone—should be referred to a third judge and the decision given by the third judge, which would be a majority decision, will prevail. This would avoid delay and the procedure would also have been simplified. I therefore request the Hon'ble Minister to accept my amendment.

Sri G. VENKATAI GOWDA (Palaiyam).—I fully endorse the arguments advanced by my friend Sri Mallappa in support of his amendment. In clause (b) it is stated that when there is a difference of opinion between two members, it has to be referred to a bench itself, which consist of three members. It is a cumbersome procedure. Supposing there is a bench in Bangalore, and there is a difference of opinion and as the clause stands, that matter is to be referred to a bench of three members, say in Belgaum. This is because, the two members who have already come to an opinion, could again have to participate, according to (b). This procedure involves lot of difficulties, as far as the parties are concerned. If there is a difference of opinion, that matter should be referred to another gentleman of the tribunal and his opinion should prevail. Then, of course, the majority opinion would have to be prevailed. According to the bill now, the matter should be referred to a whole bench of three members, which leads to all sorts of complications. If clause (b) is accepted by the Minister, then clause (c) is unnecessary, because if three members are in the bench, the majority opinion would prevail. Hence I support the amendment just moved.

Sri V. SRINIVAS SHETTY.—I beg to support the amendment because, this seems to be the practice in High Courts also. Where a Bench consisting of two members differ, ordinarily, the question is referred to a third Judge and if he gives an opinion, which of course would be the majority opinion, that is taken into account and the decision given by a Bench which originally heard the order. This is a simple procedure. Where a Bench of two hear a case, say in Gulbarga or Mangalore and they differ on a point and refer a point to a third Judge, he need not go to Gulbarga or Mangalore and may give his decision from Bangalore itself. It would be reasonable and convenient to all—the parties, the courts and the lawyers. It will also save a lot of time and money.

*Sri M. P. PATIL.—I accept the amendment moved by Hon'ble K. Mallappa. One point raised in this connection is that when clause (b) is already there, where is the necessity of amending it? When two members agree, naturally there is no question of difference of opinion arising. When there are three members, it will be decided by a majority, according to clause (b). But there is also a third possibility. Just as two members may differ on a point of law, they may also differ on a material point, though they may agree on other points. Then it may be necessary to refer the material point to a third Judge. Only in such a case would the next procedure apply. It has been pointed out that it would not be necessary for the Bench to hear the whole case, but hear on the point where there is difference of opinion and the case then decided. That will be convenient for the Bench, the parties and the Tribunal. I accept the amendment moved by Sri Mallappa.

Mr. SPEAKER.—The question is:

"In sub clause (4), for items (b) and (c), the following item shall be substituted, namely:—

'(b) where an appeal or application is heard by a Bench consisting

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of two or more members, the appeal or application shall be decided in accordance with the opinion of such members or of the majority (if any) of such members: Provided that where the Bench hearing the appeal or application, is composed of two members and the members composing the Bench differ in opinion on any point material for the decision of the case, they shall state such point, and the case shall then be heard upon that point only by another member of the Board, and such point shall be decided according to the opinion of the majority of the members including those who first heard it'."

The motion was adopted.

MR. SPEAKER.—The amendments moved by Sri V. Srinivas Shetty to sub-clause 4 (b) and sub clause 4(c) do not survive. Now Sri V. S. Patil may move his amendment to sub-clause (5).

SRI V. S. PATIL.—I beg to move:

"That in sub-clause (5), for the words 'a member of the Tribunal' in lines 2 and 3, the words 'the Chairman or a member to whom the application is transferred by the Chairman for interim orders' shall be substituted."

MR. SPEAKER. Amendment moved:

'That in sub-clause (5), for the words "a member of the Tribunal" in lines 2 and 3, the words "the Chairman or a member to whom the application is transferred by the Chairman for interim orders" shall be substituted.'

SRI V. S. PATIL.—Sir, in moving this amendment, I have in my mind the fact that there are more than one member to the Tribunal to whom the applications are to be preferred. In such case, I have stated that the Chairman being the head of the tribunal, all applications must be received by him and unless he hands them over for interim order to any of his colleagues, other members should not have the right to receive the applications and pass orders either for admission or for its stay or any interim order. In every case, other members should not have a right to interfere in this matter. That is why I have suggested in this amendment that the Chairman being the head, he should be the receiving authority and he should be the transferring authority or distributing authority for disposal of these cases. If every member is given this authority, then there would be practically chaotic condition and that is why I have suggested this amendment and I hope the Government will be pleased to accept it.

*SRI M. P. PATIL.—Sir, I think the Hon'ble Member has not thought of the Benches when he proposed this amendment. For instance, let us take the Bench at Belgaum. Now, applications are filed at Belgaum. The stay orders are issued there. I am speaking about the procedure which will be followed according to this Bill and the cases also will be heard there. But supposing this authority is given to the Chairman, then in every case, even though the Bench may be in that locality, still the parties will have to come to Bangalore, file the application here and get the stay order. It is quite inconvenient for the parties. When the Bench has got power to decide the cases, there should be no objection to give that power to the members to issue stay orders also. Even in the case of issuing stay orders also, some condition has been put in. For instance, if the member thinks that it is not necessary to issue stay orders, he will have to place it before the other member also and then decide it. So, under the circumstances, if the amendment proposed by the Hon'ble Member is accepted, it would be very inconvenient for the parties and therefore I oppose the amendment.

MR. SPEAKER.—The question is:

"That in sub-clause (5) for the words 'a member of the Tribunal' in lines 2 and 3, the words 'the Chairman or a member to whom the application is transferred by the Chairman for interim orders' shall be substituted."

The motion was negatived.

Mr. SPEAKER—The next amendment is in the name of Sri V. Srinivas Shetty.

Sri V. SRINIVAS SHETTY.—I move:

"That in sub-clause 6 (a) the words 'and there shall be a Bench of the Tribunal at Belgaum' shall be deleted;

"That in sub-clause (b) after the word 'Gulbarga' the word 'Belgaum' be inserted."

There is a mistake in the copy of amendments supplied to us. My idea is to abolish the Bench at Belgaum and have a sitting at Belgaum. I have corrected the amendment accordingly.

Mr. SPEAKER. Amendment moved:

"That in sub-clause 6 (a) the words 'and there shall be a Bench of the Tribunal at Belgaum' shall be deleted;

That in sub-clause (b) after the word 'Gulbarga' the word 'Belgaum' be inserted."

Sri V. SRINIVAS SHETTY.—I have said yesterday already what I have to say now. The Hon'ble Minister has also practically answered all my arguments yesterday giving the number of revenue and other appeals pending at Belgaum saying that it is absolutely necessary to have a Bench there. But I doubt very much that this Bench is at all necessary there. For example, we have seen in Munsiff and other courts more than 2,000 cases pending and one judge is there to dispose them of. I do not know how many judges we are going to take for the Bench in Belgaum. I think 500 or even 1,000 revenue appeals can be disposed of easily and a Bench consisting of 3 members is not necessary. What I submitted to the House yesterday and what I submit today is that if it all they feel that a Bench is necessary, there is no difficulty for the Government to come before the House and ask for that Bench. As it is, it was hotly debated yesterday. There is suspicion that the Government want to take into their hand's power to appoint as many people as possible. It is not a question that we deny that right to Government at all. Why should they take power to appoint any number of people and any number of Benches for this simple matter? I submit it is absolutely unnecessary. In case we find that the Benches at Bangalore are unable to cope with the work, there is absolutely no difficulty for Government to come before the House and ask powers for it. At present this Bench is not necessary at Belgaum and I submit that it is absolutely unnecessary and I recommend this amendmeut to this Hon'ble House.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ನಾನು ಈ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ಅನುಮೋದನೆ ಮಾಡುತ್ತೇನೆ. ತಾವು ಎಷ್ಟು ಜನ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜಿಗಳನ್ನು ನೇಮಕಮಾಡುತ್ತೀರೆಂದು ಹೇಳಿದ್ದೀರಿ. ಅದರ ಆಧಾರದ ಮೇಲೆ ಬೆಳಗಾಮಿನಲ್ಲಿ ಒಂದು ಬೆಂಚನ್ನು ತೆಗೆಯುವುದರಿಂದ ಜನಗಳಿಗೆ ಬಹಳ ಶೀಘ್ರವಾಗಿ ನ್ಯಾಯ ದೊರೆಯುತ್ತದೆ ಎಂದು ಏನು ಮನಸ್ಸಿನಲ್ಲಿ ಭಾವನೆ ಇಟ್ಟುಕೊಂಡಿದ್ದೀರೋ ಆ ನ್ಯಾಯ ದೊರೆಯುವುದು ಬಹಳ ಕಷ್ಟವಾಗುತ್ತದೆ. ಏಕೆಂದರೆ ನಾನು ಜನರಲ್ ಡಿಸ್ಕಷನ್‌ನಲ್ಲಿ ಹೇಳಿದಹಾಗೆ ಬೆಂಗಳೂರಿನಿಂದ ಬೆಳಗಾಮ್, ಬೆಳಗಾಮಿನಿಂದ ಬೆಂಗಳೂರಿಗೆ ಓಡಾಡುವುದಕ್ಕೆ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜಿಗೆ ಏನಾದರೂ ಹಿಂದೂಸ್ಥಾನದ ಏರ್ ಕ್ರಾಫ್ಟ್‌ನಿಂದ ಎರಡು ರೆಕ್ಕೆಗಳನ್ನು ಏರ್ಪಾಡು ಮಾಡಿಸಿದ್ದೀರೋ? ಅಲ್ಲಿನ ಇಬ್ಬರು ಜಡ್ಜಿಗಳಿಗೆ ಲಾ ಪಾಯಿಂಟ್‌ನಲ್ಲಿ ವ್ಯತ್ಯಾಸ ಬಂದಾಗ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜಿ ಇರುವ ಬೆಂಚಿಗೆ ರೆಫರ್ ಮಾಡಬೇಕು ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಅದಕ್ಕೆ ಇದು ತದ್ವಿರುದ್ಧವಾಗಿದೆ. ಎಲ್ಲಾ ಕೇಸುಗಳನ್ನೂ ಟ್ರಾನ್ಸ್‌ಫರ್ ಮಾಡಬೇಕು. ಲಾಯರ್ಸ್ ಕ್ಲಯಂಟ್ಸ್ ಇಬ್ಬರೂ ಇಲ್ಲಿಗೆ ಬರಬೇಕು. ಇಲ್ಲದೆ ಹೋದರೆ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜಿ ಅಲ್ಲಿಗೆ ಹೋಗಬೇಕು. ಅದಕ್ಕೋಸ್ಕರ ಈ ತಿದ್ದುಪಡಿ ಸರಿಯಲ್ಲ. ಇನ್ನೂ ಒಬ್ಬರು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜಿಯನ್ನು ನೇಮಕ ಮಾಡುತ್ತಾರೆಯೇ? ಒಬ್ಬ ಜಡ್ಜಿಯನ್ನು ನೇಮಕಮಾಡಿ ಅವರನ್ನು ಬೆಳಗಾಮಿನಿಂದ ಬೆಂಗಳೂರಿಗೆ ಬೆಂಗಳೂರಿನಿಂದ ಬೆಳಗಾಮಿಗೆ ಹೋಗುವ ಫ್ಲೈಯಿಂಗ್ ಬರ್ಡನ್ನಾಗಿ ಮಾಡಿದ್ದೀರಾ? ಹೀಗೆ ಮಾಡಿದರೆ ನ್ಯಾಯ ಹೇಗೆ ದೊರೆಯುತ್ತದೆ? ಇಲ್ಲಿ 50 ಕೇಸುಗಳು, ಅಲ್ಲಿ 45 ಕೇಸುಗಳು ಲಾ ಪಾಯಿಂಟ್ ಇನ್‌ವಾಲ್ವ್ ಆಗಿದ್ದರೆ ಏನು ಮಾಡಬೇಕಾಗುತ್ತದೆ? ಇದರಿಂದ ರೈತರಿಗೆ ಎಷ್ಟು ಕಷ್ಟವಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ಸ್ವಲ್ಪ ಯೋಚನೆ ಮಾಡಿದ್ದಾರೆಯೇ? ಹೇಗೆ? ಕ್ವಿಕ್ ಡಿಸ್‌ಪೋಸಲ್ ಆಗುತ್ತದೆ ಎಂಬುದು ನನಗೆ ಅರ್ಥವಾಗುವುದಿಲ್ಲ.

ಕ್ಲಾಸ್ 4 (b) ನಲ್ಲಿ 3 ಜನ ಇರಬೇಕು ಎಂದು ಹೇಳಿದ್ದಾರೆ, ಆದರೆ ಎಷ್ಟು ಜನ ಬೆಂಚಿನಲ್ಲಿ ಇರುತ್ತಾರೆ ಎಂಬುದನ್ನು ಹೇಳಲಿಲ್ಲ, ಇಬ್ಬರೇ ಮೂವರೇ ಎಂಬುದನ್ನು ಹೇಳಲಿಲ್ಲ. ಅಲ್ಲೊಬ್ಬರು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜಿಯನ್ನು ನೇಮಕಮಾಡಿ ಇಲ್ಲೊಬ್ಬರನ್ನು ನೇಮಕಮಾಡಿದರೆ ಒಪ್ಪಿಕೊಳ್ಳಬಹುದು. ಒಬ್ಬರನ್ನೇ ನೇಮಕಮಾಡಿ ಜನಗಳನ್ನು ಕಷ್ಟಕ್ಕೆ ಸಿಕ್ಕಿಸಿ ಹಾಕುವುದಕ್ಕೆ ಬದಲಾಗಿ ಒಂದು ಬೆಂಚ್ ಬೆಳಗಾಂ, ಗುಲ್ಬರ್ಗ, ಮಂಗಳೂರು, ಬೆಂಗಳೂರು ಡಿಸ್ಟ್ರಿಕ್ಟ್

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಸುತ್ತಿಕೊಂಡು ಬರಲಿ. ಬೆಳಗಾಮಿನಲ್ಲಿ ಒಂದು ಎಸ್ಟಾಬ್ಲಿಷ್‌ಮೆಂಟ್ ಇಟ್ಟು ಅದಕ್ಕೆ ಯಾತಕ್ಕೆ ಅಷ್ಟು ಖರ್ಚು ಮಾಡುತ್ತೀರಿ? ಅದಕ್ಕೋಸ್ಕರ ಹೆಡ್‌ಕ್ವಾರ್ಟರಿನಲ್ಲೇ ಇಟ್ಟುಬಿಟ್ಟು ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜನ್ನು ಒಳಗೊಂಡ ಬೆಂಚ್ ಮೂವ್ ಆಗುತ್ತಾ ಇರಲಿ.

3 P.M.

ಅದಕ್ಕೋಸ್ಕರ ಇಲ್ಲಿ ನನ್ನ ಸ್ನೇಹಿತರಾದ ಶ್ರೀ ಶ್ರೀನಿವಾಸ ಶೆಟ್ಟರು ತಂದಿರುವ ಅಮೆಂಡುಮೆಂಟನ್ನು ಒಪ್ಪಿಕೊಳ್ಳಿ. ಇಲ್ಲದೆ ಹೋದರೆ ಈ ಬಿಲ್ಲು ಪಾಸುಮಾಡುವುದಕ್ಕೆ ಮುನ್ನ ಎರಡು ಡಿಸ್ಟ್ರಿಕ್ಟು ಜಡ್ಜಿಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕೆನ್ನುವ ಅಮೆಂಡುಮೆಂಟು ಒಂದನ್ನು ನೀವೇ ತೆಗೆದುಕೊಂಡುಬಂದು ಇಲ್ಲಿ introduce ಮಾಡಿ ಅದನ್ನು ಪಾಸುಮಾಡಿ. ಹಾಗೆ ಮಾಡದೆ ಹೋದರೆ ಏನೂ ಪ್ರಯೋಜನವಾಗುವುದಿಲ್ಲ. ಗೃಹ ಮಂತ್ರಿಗಳು ಮೊನ್ನೆ ಮಾತನಾಡುವಾಗ ಹೇಳಿದಂತೆ, ಎಂದರೆ, ಸದಾರಮೆ ನಾಟಕದಂತೆ ಆಗದಿರಲಿ ಎಂದು ಹೇಳಿ, ಈಗ ಮಂಡಿಸಿರುವ Amendment ನ್ನು ಒಪ್ಪುತ್ತೀರೆಂದು ಭಾವಿಸುತ್ತೇನೆ.

*Sri M. P. PATIL.—Sir, I oppose this amendment. If it was a question of establishing a new Bench I would have considered it. But we must look to the history of the Tribunal also. As I explained yesterday, the Belgaum Bench was established not by our State but by the Bombay State when it was in the Bombay State. I have also given the number of cases which have been filed during 3½ months at Bangalore and at Belgaum and other places. For instance, at Belgaum about 600 cases have been filed during the 3½ months whereas at Bangalore which includes other areas also, *viz.*, Hyderabad Karnatak, South Canara, the number is about 400, and therefore I have made a provision that a permanent Bench at Belgaum is quite essential. Since criticisms were made without knowing the personnel of that Bench, I wish to state that there are two members at Belgaum Bench and one of them is a District Judge and another a Collector. When a question of difference of opinion arises between the two members, the matter will be referred to a third member. From the experience of last five or six months it is found that there are a very few cases where they differ and where they have to make a reference to a third member. Therefore, we have provided that there should be a permanent Bench at Belgaum.

Regarding Mangalore and Gulbarga, I am going to accept the next amendment. I explained yesterday that possibly it is only Gulbarga and Mangalore and some other places that require a Bench as they are a little far away from Bangalore and the number of cases have increased there. So the amendment is moved. Now the question arises whether we should open a permanent Bench in those places or the Bench at Bangalore which has not got sufficient work should move to those places. The Bench at Belgaum cannot move as there are only two members. But there are three members in the Bangalore Bench and as there is not sufficient work for those members we have made an arrangement by which when they hear cases relating to old Mysore they should sit at Bangalore, and when they hear cases relating to Hyderabad Karnatak they should move to Gulbarga and when they have to hear the cases relating to South Canara they should move to Mangalore. This arrangement will be convenient for the parties and therefore we have made a provision for it in this Bill. But, as I anticipate, in future the number of cases might increase and we may have to establish permanent Benches and sometimes the Bench here also shall have to move to some other places. Therefore an amendment has been moved and I think the arrangement which I explained is satisfactory from all points of view and therefore I oppose the amendment and hope the members will accept my suggestion.

Mr. SPEAKER.—The question is:

"That in sub-clause (6) (a), the words 'and there shall be a Bench of the Tribunal at Belgaum' shall be deleted."

The motion was negatived.

Mr. SPEAKER —The question is:

"That in sub-clause (6) (b) after the word 'Gulbarga' the words 'Belgaum shall be inserted."

The motion was negatived.

Sri K. MALLAPPA.—Sir, I rise to move my amendment:

"In sub-clause (6), in item (b), for the words 'as the Chairman

may direct' the words 'and at such other places as the State Government may by notification specify' shall be substituted."

Mr. SPEAKER.—Amendment moved:

"In sub-clause (6), in item (b), for the words 'as the Chairman may direct' the words 'and at such other places as the State Government may by notification specify' shall be substituted."

Sri K. MALLAPPA.—As sub-clause (b) of clause 6 stands at present, there is provision for constituting temporary Benches at two places namely, Gulbarga and Mangalore and these Benches are constituted under the direction of the Chairman for the disposal of the work accumulated in those places. It is possible that there may be work accumulated in other places as well and for the quick disposal of those cases I consider that it is necessary that the Government should be empowered to constitute Benches in other places also. This is an enabling provision and is intended for the disposal of accumulated arrears as expeditiously as possible. It is a very salutary provision and I hope the Hon'ble Minister will accept it because it helps the Government in disposing of cases expeditiously.

Sri V. SRINIVASA SHETTY.—Of course a lot of pressure has been brought upon the Government to have this change. Probably the argument is, when Mangalore can have a place why not other Districts. If this amendment is accepted it will be just like touring talkies. This court will have to be on tour in all the Districts. There are 18 Districts at present and one Bench has to tour all the 16 Districts. Because the Government of the day cannot resist the pressure of the political parties to have sittings in their own Districts this amendment has been brought. Ultimately it will come to this. This court will not only be sitting at Belgaum but on all the 365 days in the year it will be touring all over the State and on most of the days it may not be sitting in the Headquarters at all. There are a large number of cases and there are 18 Districts in the State. I am sure the members of the Assembly will be self-interested enough to see that the sittings of the court are held in their own District. If this principle is accepted, it will lead to dangerous consequences. Not that I am so selfish as to say that the court should be located in Mangalore and not in any other district. It is a dangerous principle because ultimately the Government will have to succumb to the pressure from the members of each district. It will be a touring court and not a stationary court at all. The present tendency is that the highest tribunals should not be touring courts. It is, therefore, a dangerous idea and it appears that the Hon'ble Minister is going to accept it. lot of pressure seems to have been brought to bear upon the Government and what pressure will be brought to bear upon the Government in future we have just to imagine. It is a wrong principle and if it is accepted this Tribunal will not be sitting at Bangalore but touring all over the State throughout 365 days. I, therefore, request the mover not to press this amendment and the Government not to accept it because it is a dangerous principle.

*Sri J. H. SHAMSUDDIN (Honawar).—Mr. Speaker, Sir, I rise to support the amendment. My friend's apprehension that this will be a mobile court as he put it is unjustified, because the court will be allowed to sit in a particular district looking to the number of cases. If actually there are more cases pending in a particular area, it is in the fitness of things that the court should be shifted there because justice must be made cheaper and brought to the door of the litigants. The cases that are dealt with by this Tribunal are tenancy or revenue cases and the litigants would like to go to the highest tribunal. The cases may also be about non-agricultural matters such as fine levied by the Collector or local authorities for encroachment. The poor agriculturists would like to approach the highest tribunal. If such cases accumulate from a particular area, it is in the

Clauses 5, 6 and 7 were added to the Bill.

Mr. SPEAKER.—Now we go to clause 8. There is an amendment. It may be moved.

Sri V. S. PATIL.—Sir, I beg to move:

'That in clause 8 the words "and shall not be called in question in any court of law." shall be deleted.'

Mr SPEAKER.—Amendment moved:

'In clause 8 the words "and shall not be called in question in any court of law." shall be deleted.'

Sri V. S. PATIL.—Sir, at the time of the general discussion of the Bill some of the Hon'ble Members of this House had criticised this wording in this clause. I have moved this amendment to find out whether Government are clear in their mind as to what they intend by these words. The wording used here is that "the decision of the Tribunal shall be final and shall not be called in question in any court of law." It is admitted that this Tribunal is primarily and principally a Revenue Tribunal and the cases that are to be decided by this Tribunal are revenue and other matters referred to in clause 4. Primarily they are revenue matters under the Tenancy Act of Bombay Karnatak. If the decision that is arrived at by this Tribunal is not to be challenged in any court of law and if it is final and binding upon the parties, then it will create a position which will be untenable and which will create a lot of hardship. For instance, this Tribunal is entitled to go into cases under the Land Revenue Code like payment of rent and certain other small matters. These are summary remedies. The Mamlatdar might be deciding the case in a summary way. The appeal to the Collector also may be decided in a summary way and the Tribunal also may decide it in a summary way. If the decision of the Tribunal is not to be challenged in the civil court, what will be the fate of the party? That is the question to be considered. I may quote an instance here. In a tenancy case the Mamlatdar may decide that there was a default. Then the Tribunal also confirms that there was a default. Then the man has to go to the Civil Court to recover the amount, but the decision of the Tribunal is not to be called in question in the civil court and the decision about default is to be treated as final. In such a case the Civil Court will be bound by the decision of the Tribunal and the civil remedy that is open to a person against the decision of the Tribunal will be barred. This will definitely create a great handicap to the party. I presume that that cannot be the intention of Government while framing this clause, but this is what will happen if the clause stands as it is. Suppose in a revenue matter a question has to be decided as to whethar a person A is a landlord or not. Suppose A is declared as allandlord in the particular case by the Tribunal. Then what about the title to the land? Can the Mamlatdar or the Collector or the Tribunal go into the question of title? If the decision of the Tribunal that A is a landlord is to be treated as final and if it is not to be questioned in any court of law, then that will create so many troubles and that will also be contradictory to law. It is all right to provide that the decision of the Tribunal shall be final, but to provide that the decision shall not be questioned in any court of law will be something contrary to law. So I request Government to examine whether this wording is quite essential. The wording as it is will create a confusion and the High Court will have to be approached for its interpretation. My amendment seeks to make the meaning quite clear. Therefore, in order to make the meaning quite clear I request the Hon'ble Minister to accept my amendment.

There is another reason for my amendment. In the whole of the Bill no provision has been made for the procedure to be followed by the Tribunal. In all the other Acts there is provision

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The House adjourned for Lunch at Thirty Minutes past Three of the Clock and reassembled at Four of the Clock.

[MR. SPEAKER in the Chair].

Sri V. SRINIVAS SHETTY.—Sir, if this clause is allowed to remain as it is, it is very dangerous ; very serious things are involved in this. As we know, most of the revenue cases at the very outset start in the villages. There are the reports of the village officers ; there are the Revenue Inspectors who go and enquire into these things and then the records go to the Taluk Office, the concerned clerk puts up the office notes and on these things the Amildar or the Mamledar passes orders and then the chain begins. We have got the appeals and revisions and finally the appeal to this court. As one of the Hon'ble Members said, there is no procedure governing the revenue appeals or the revenue enquiries. Practically, in most of these cases no evidence is allowed, no opportunity is given to the parties to examine or cross-examine the witnesses. To say the least, the trial is practically summary. If we accept this clause as it is, a person who is vastly influential, who can spend large sums of money and purchase evidence or some officials even, will have the upper hand, whereas a poor man who is opposing him will have to rest satisfied with the final decision given by this Tribunal. Even under revenue cases like darkhast or registration cases parties are not restricted because the power of the Civil Courts to go into this question is never questioned, it is always open. There is no miscarriage of justice and parties can go to Civil Courts and file suits and get a proper decision. In this case—I do not wish to cast any aspersion against the members of the Tribunal—the hands of the Members are tied and they can only decide on the material before them on the scrap of paper or scrap of evidence placed before them. Therefore, if we accept this, it means that the decision of the Tribunal cannot be questioned in any court of law. Of course, we were given to understand that the High Court can always come to the rescue of the parties under its inherent power or the party can move the High Court. It is a doubtful remedy. I personally doubt that the High Court will be willing to interfere in these cases. So, in most of the cases, parties would be put to great hardship. In many cases the parties may not be willing to move the Civil Courts. But, when they are anxious to move the civil courts, they should be left free to do so. They should have the opportunity to lead evidence and take the matter to the highest court in the State, *i.e.*, the High Court. Hence, I request the Government to accept this amendment in the interest of justice and avoid further complications and difficulties in future.

Sri G. VENKATAI GOWDA (Palaiyam).—I support the amendment for the following reasons. The powers invested in the Tribunal are in the nature of summary because the procedure they have got to follow are to be framed by the Tribunal itself, of course, with previous sanction of the Government. If they

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of law. What I say is, in the Bombay Revenue Tribunal Act as well as Bombay Tenancy Act, the jurisdiction of the Civil Courts has been ousted out and certain matters have been assigned to the Revenue Boards only and the functions of the Civil Courts have been taken away from that Act. The matter went up before the High Court saying that these Acts were *ultra vires* and the duties and functions of the Civil Courts were curtailed. But the High Court held that the Legislature had power to confer exclusive jurisdiction on certain tribunals and therefore that Act was not *ultra vires* but *intra vires*. So, the original Act contains a provision wherby the jurisdiction of the Civil Courts have been excluded. Naturally the Appellate Tribunals which are hearing the appeals from the original courts and where the jurisdiction of Civil Court has been excluded, should have also finality. Otherwise, there will be a conflict between the jurisdiction of the Original Court under a particular Act and the Appellate Court under the very Act. Therefore in order to be in conformity with the original Act, this section has been included. That is also the case so far as Mysore Board of Revenue Act is concerned. There is Section 11 wherein it has been said that the functions of this Board or the decisions of this Board are final and cannot be challenged in any court of law. Naturally, therefore, this provision has been kept with in consonance with the spirit of the original Act under which the appeals arise. If in the original Act, the functions of the original court were not removed or the Civil Courts were not restricted in their jurisdiction over the nature of the matters that are abumbrated or enumerated in the Act, then naturally this would have been a serious divergence from the natural course of justice and the people's right to go to Civil Courts would have been curtailed. When the original Act under which the appeal or revision application arises contains similar provision, it is nothing but an extension of this provision to the Tribunal. Therefore finality has been kept. There are two things in respect of finality. The High Court has jurisdiction to question the decisions of this Court, if they exercise the right or jurisdiction improperly or go beyond their jurisdiction. I am telling this for the elucidation of the Hon'ble Mover because he must be conversant with the Bombay Tenancy Act as well as Bombay Revenue Tribunal Act and the cases arising therefrom. He referred to the question of default. Now, so far as the question of default is concerned, it is a question of concurrent jurisdiction; the Civil Courts as well as Tenancy Courts can deal with them. Therefore, the question of default is singularly of a concurrent jurisdiction since both the Civil Courts and the Tenancy Courts have jurisdiction and if there is conflict between the Civil Court and the Tenancy Court, naturally, the decision of the Civil Court shall prevail. When you look to the default in reference to vacation or dispossession on account of default, naturally, it comes under the exclusive jurisdiction of the Tenancy Court because the Act has made it *ultra vires* and that Act has been passed by the Legislature and the High Court has deemed it within the right of the Legislature that has passed that Act to confer that right on any tribunal. Therefore, there is no conflict; there is no deprivation of the right of civil nature by this section, and it is in fitness with the other provisions of the original Act and the Appellate Board. Therefore, Sir, I think the amendments are irrelevant of and I feel that the Hon'ble Mover the amendment will look to the question of withdrawing it.

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(SRI J. H. SHAMSUDDIN)

of law. What I say is, in the Bombay Revenue Tribunal Act as well as Bombay Tenancy Act, the jurisdiction of the Civil Courts has been ousted out and certain matters have been assigned to the Revenue Boards only and the functions of the Civil Courts have been taken away from that Act. The matter went up before the High Court saying that these Acts were *ultra vires* and the duties and functions of the Civil Courts were curtailed. But the High Court held that the Legislature had power to confer exclusive jurisdiction on certain tribunals and therefore that Act was not *ultra vires* but *intra vires*. So, the original Act contains a provision wherby the jurisdiction of the Civil Courts have been excluded. Naturally the Appellate Tribunals which are hearing the appeals from the original courts and where the jurisdiction of Civil Court has been excluded, should have also finality. Otherwise, there will be a conflict between the jurisdiction of the Original Court under a particular Act and the Appellate Court under the very Act. Therefore in order to be in conformity with the original Act, this section has been included. That is also the case so far as Mysore Board of Revenue Act is concerned. There is Section 11 wherein it has been said that the functions of this Board or the decisions of this Board are final and cannot be challenged in any court of law. Naturally, therefore, this provision has been kept with in consonance with the spirit of the original Act under which the appeals arise. If in the original Act, the functions of the original court were not removed or the Civil Courts were not restricted in their jurisdiction over the nature of the matters that are abumbrated or enumerated in the Act, then naturally this would have been a serious divergence from the natural course of justice and the people's right to go to Civil Courts would have been curtailed. When the original Act under which the appeal or revision application arises contains similar provision, it is nothing but an extension of this provision to the Tribunal. Therefore finality has been kept. There are two things in respect of finality. The High Court has jurisdiction to question the decisions of this Court, if they exercise the right or jurisdiction improperly or go beyond their jurisdiction. I am telling this for the elucidation of the Hon'ble Mover because he must be conversant with the Bombay Tenancy Act as well as Bombay Revenue Tribunal Act and the cases arising therefrom. He referred to the question of default. Now, so far as the question of default is concerned, it is a question of concurrent jurisdiction; the Civil Courts as well as Tenancy Courts can deal with them. Therefore, the question of default is singularly of a concurrent jurisdiction since both the Civil Courts and the Tenancy Courts have jurisdiction and if there is conflict between the Civil Court and the Tenancy Court, naturally, the decision of the Civil Court shall prevail. When you look to the default in reference to vacation or dispossession on account of default, naturally, it comes under the exclusive jurisdiction of the Tenancy Court because the Act has made it *ultra vires* and that Act has been passed by the Legislature and the High Court has deemed it within the right of the Legislature that has passed that Act to confer that right on any tribunal. Therefore, there is no conflict; there is no deprivation of the right of civil nature by this section, and it is in fitness with the other provisions of the original Act and the Appellate Board. Therefore, Sir, I think the amendments are irrelevant of and I feel that the Hon'ble Mover the amendment will look to the question of withdrawing it.

*ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ (ಚನ್ನಪಟ್ಟಣ).—ನಾನು ಮೊನ್ನೆ ದಿವಸ ಈ ಬಿಲ್ಲಿನಮೇಲೆ ಮಾತನಾಡಿದ ಮೇಲೆ ಯಾವ ಕ್ಲಾಸಿನಮೇಲೂ, ಮಾತನಾಡುವುದು ಅನಾವಶ್ಯಕ. ತಾವು ಪಾರ್ಟಿಯ ಸಂಖ್ಯೆಯ ಆಧಾರದ ಮೇಲೆ ಇಂತಹಬಿಲ್ಲು ತರುತ್ತಿದ್ದೀರಿ ಎಂದು ಗೊತ್ತಾಯಿತು. ಇವೊತ್ತಲ್ಲ ನಾಳೆ ಆದರೂ ಕೂಡ ಆ ಕಡೆಯುವರಿಗೂ, ಇದರಿಂದ ಏನು ತೊಂದರೆಯಾಗುತ್ತದೆ ಎನ್ನುವ ಅರಿವು ಆಗುತ್ತದೆ. ಅವರಿಗೋಸ್ಕರ ಹೇಳುತ್ತಿದ್ದೇನೆ. ಈ ಅಮೆಂಡ್‌ಮೆಂಟ್‌ ಸಪೋರ್ಟ್ ಮಾಡುತ್ತಾ ಇರುವುದು ನಮ್ಮ ಪಾರ್ಟಿಗೋಸ್ಕರವೇ ಅಲ್ಲ. ಅವರು ಬಹಳ ದಿವಸ ಬಾಳಬೇಕಾಗಿರುವವರು, ಹೆಚ್ಚು ದಿವಸ ಇರಬೇಕಾಗಿರುವವರು. ಬೆಳೆಯುತ್ತಾ ಇರುವ ಪಾರ್ಟಿ ಮುಂದೆ ಏನಾಗುತ್ತದೋ ಎಂದು ಅವರ ಗಮನಕ್ಕೆ

ತರುತ್ತಿದ್ದೇನೆ. 1946 ರಲ್ಲಿ ಶ್ರೀ ತಂಬೂ ಚೆಟ್ಟರ ಅಧಿಕಾರಾವಧಿ ಕೊನೆಗೊಳ್ಳುವ ಕಾಲದಲ್ಲಿ ಇಂಥ ಅನೇಕ ಕಾನೂನುಗಳು ಹೊಸದಾಗಿ ಬಂದಿದ್ದು ನನ್ನ ಜ್ಞಾಪಕದಲ್ಲಿ ಇಂದಿಗೂ ಇದೆ. ಅವರ ಅಧಿಕಾರದ ಅಂತ್ಯ ಎಂದು ತಿಳಿದು ಜನಗಳನ್ನು ತಮ್ಮ ಕೈಯಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳುವುದಕ್ಕೆ ಮತ್ತು ಜನರ fundamental rights ಕಿತ್ತುಹಾಕಿ ಜನಗಳು ಹೇಳುವುದನ್ನು ಅಲ್ಲಗಳೆದು ಜನರನ್ನು ತಮ್ಮ ಅನುಕೂಲಕ್ಕೋಸ್ಕರ ಉಪಯೋಗಿಸಲು ಕಾನೂನನ್ನು ತಂದರು. ಅದೇ ರೀತಿ, ಈ ಸರ್ಕಾರ ಬಂದು ಇನ್ನೂ ಮೂರು ತಿಂಗಳು ಆಗಿಲ್ಲ. ಆಗಲೇ ಇಂತಹ ಮಸೂದೆ ತಂದಿರುವುದನ್ನು ನೋಡಿದರೆ ಅವರಿಗೆ ಗಾಬರಿಯಾಗಿ ಜನಗಳನ್ನು ತಮ್ಮ ಹಿಡಿತದಲ್ಲಿ ಇಟ್ಟುಕೊಳ್ಳುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡುತ್ತಿದ್ದಾರೆಂದು ನಮಗೆ ಕಾಣಿಸುತ್ತದೆ. ಇದು ಎಷ್ಟು ದೊಡ್ಡ ಬಿಲ್ಲು. ಎಷ್ಟೊಂದು ಅಧಿಕಾರಿಗಳನ್ನು ನೇಮಿಸತಕ್ಕ ಬಿಲ್ಲು. ಜೊತೆಗೆ ಅನೇಕ ಕಾನೂನುಗಳನ್ನು ಜನಗಳಿಗೆ ಅನುಕೂಲವಾಗುವ ರೀತಿಯಲ್ಲಿ ಅಳವಡಿಸಬೇಕಾದ ಬಿಲ್ಲು. ಇದನ್ನು

4-30 P.M.

ಸೆಲೆಕ್ಟು ಕಮಿಟಿಗೂ ಕೂಡ ಕಳುಹಿಸದೆ ಇಲ್ಲಿ ಪಾಸುಮಾಡುವುದಕ್ಕಾಗಿ ಈಗ ಬಂದಿದೆ. ಈ ಒಂದು ಕ್ಲಾಸಿನಿಂದ ಪ್ರಜಾಪ್ರಭುತ್ವದ ಕೊಲೆಯಾಗಿದೆ ಎಂದು ಹೇಳಬಹುದು. ಯಾವಾಗಲೂ ಒಬ್ಬ ಮನುಷ್ಯನ ಹಕ್ಕು ಬಾಧ್ಯತೆಗೆ ಮೊಟಕು ಬಾರದಂತಹ ಕಾನೂನನ್ನು ತರಲು ಯತ್ನಿಸಬೇಕು. ದೇಶದಲ್ಲಿ ಇರತಕ್ಕ ಪ್ರತಿಯೊಬ್ಬ ಮನುಷ್ಯನು ಈ ತರಹದ ಕಾಂಪ್ಲಿಕೇಷನ್ನಿನಲ್ಲಿ ಇರುವುದಕ್ಕೆ ಬಯಸುವುದಿಲ್ಲ. ಒಂದು ಉದಾಹರಣೆ ಹೇಳುವುದಾದರೆ ನಮ್ಮ ತಾಲ್ಲೂಕಿನಲ್ಲಿ ಸಾಧಾರಣವಾಗಿ ಒಂದು ಲ್ಯಾಂಡು ಅಕ್ವಿಸಿಷನ್ನು ಆಗಬೇಕಾಗಿದ್ದರೆ ಎಷ್ಟೋ ತೊಂದರೆಗಳಾಗುತ್ತವೆ. ಅಲ್ಲಿಯ ಅಧಿಕಾರಿಗಳಿಂದ ಸರಿಯಾಗಿ ತೀರ್ಮಾನವಾಗಿದೆ ಕಡೆಗೆ ಸರ್ಕಾರದಲ್ಲಿ ತೀರ್ಮಾನಕ್ಕಾಗಿ ಬಂದು ನಿರ್ಧಾರವಾಗಬೇಕಾಗಿದೆ. ಮೊದಲು ಕೇಸನ್ನು ಕಾನೂನಿನಂತೆ ತೀರ್ಮಾನಮಾಡದೆ ಸರಿಯಾದ ಕಾರಣಗಳನ್ನು ಕೊಡದೆ ಏನೋ ಒಂದ ಕಾರಣವನ್ನ ಬರೆಯುತ್ತಾರೆ. ಅದರಿಂದಾಗಿ final ಆಗಿ ತೀರ್ಮಾನವಾಗಲು ಸರ್ಕಾರದವರಿಗೆ ಬರಬೇಕಾಗಿದೆ. ಹೀಗೆ ಒಂದೆರಡು ಇನ್ಸ್ಟನ್ಸುಗಳಲ್ಲಿ ಆಗಿದೆ. ಇನ್ನೂ ಬೇಕಾದಷ್ಟು ಕೊಡಬಹುದು. ಅದರಲ್ಲೂ ಈಗಿನ ಕೋರ್ಟುಗಳಿಗೇ ಹೋಗುವಹಾಗಿಲ್ಲ. ಅದರಲ್ಲೂ ವಿರೋಧಪಕ್ಷಕ್ಕೆ ಸೇರಿದವರು ಎಂದು ನಮಗೆ ಸರಿಯಾದ ನ್ಯಾಯವೇ ದೊರೆಯುವುದಿಲ್ಲ. ಏಕೆಂದರೆ ಈಗಿನ ಪಾರ್ಟಿ ಸರಕಾರದಲ್ಲಿ ದೇಶದಲ್ಲಿ ಪ್ರಜಾಪ್ರಭುತ್ವ ಸ್ಥಿರವಾಗಿ ನಿಲ್ಲದೇ ಇರುವುದಕ್ಕೆ ಇದು ಒಂದು ದೊಡ್ಡ ಕಾರಣವಾಗಿದೆ. ಈ ಒಂದು ಭಯ ಕೂಡ ನಮಗಿದೆ. ಕೊನೆಗೆ ಏನೋ ಒಂದು ಹೆಸರನ್ನಿಟ್ಟುಕೊಂಡು ಈ ದಿವಸ ಪಕ್ಷವನ್ನು ಬೆಳೆಸುತ್ತಿರಬಹುದು. ಆದರೆ ಯಾವ ಪಾರ್ಟಿಯವರೇ ಆಗಲಿ ಇಡೀ ದೇಶದಲ್ಲಿ ಬಹುಕಾಲ ಇರುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಆದುದರಿಂದ ಈಗ ನೀವು ಮಾಡಿರತಕ್ಕ ಕಾನೂನುಗಳನ್ನೇ, ಇನ್ನೊಂದು ಪಾರ್ಟಿಯವರು ಅಧಿಕಾರಕ್ಕೆ ಬಂದರೆ ಇವುಗಳಿಂದ ಅನಾಹುತಗಳು ಆಗುತ್ತವೆ ಇನ್ನೇನೋ ತೊಂದರೆಗಳು ಬರುತ್ತವೆ ಎಂದು ಭಾವಿಸಬಹುದು. ಇವೆಲ್ಲವನ್ನೂ ತಾತ್ಕಾಲಿಕ ದೃಷ್ಟಿಯಿಂದ, ಇಟ್ಟುಕೊಂಡು ಮಾಡಬಾರದು. ಬಹು ದೂರದ ಷ್ಟಿಯಿಂದ ಈ ಕಾನೂನನ್ನು ಮಾಡಿದರೆ ಏನು ತೊಂದರೆಯಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ಯೋಚನೆ ಮಾಡಿ ಮಾಡಬೇಕು. ಈಗಾಗಲೇ ನಮಗೆ ಗೊತ್ತೇ ಇದೆ. ಇವೊತ್ತು ಪ್ರೆಸಿಡೆಂಟಾಗಿರುವಾಗ ಜಮೀನುಗಳನ್ನು ಮಾಡಬಹುದು. ನಾಳೆ ಅವರು ಅಧಿಕಾರದಲ್ಲಿಲ್ಲದೆ ಇನ್ನೊಬ್ಬರು ಅಧಿಕಾರಕ್ಕೆ ಬಂದಾಗ ಏನಾದರೂ ತೊಂದರೆಯಾಗಿದ್ದರೆ ಆಗ ನೇಣು ಹಾಕುತ್ತಾರೆ. ಇದು ಹೊಸದೇನೂ ಅಲ್ಲ. ಸುಮಾರು 50 ವರ್ಷಗಳಿಂದಲೂ ನಡೆದು ಬರುತ್ತಿದೆ. ಮತ್ತು ಈ ರೀತಿಯ ವಿಷಯಗಳು ಪೇಪರಿನಲ್ಲಿಯೂ ಬರುತ್ತಿದೆ. ಇದು ಎಲ್ಲರಿಗೂ ತಿಳಿದೇ ಇದೆ. ಏತಕ್ಕೆ ಈ ರೀತಿಯಾಗುತ್ತಿದೆ ಎಂದರೆ ಪ್ರಜಾಪ್ರಭುತ್ವ ಸರಿಯಾದ ರೀತಿನೀತಿಗಳಂತೆ ನಡೆಯದೇ ಇರುವುದು ಇಂತಹ ಒಂದು ಅನಾಹುತಕ್ಕೆ ಕಾರಣವಾಗಿದೆ.

ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ನಂಬಿಕೆ ಇದ್ದರೆ ಅದಕ್ಕೆ ತಕ್ಕಂತೆ ಸರಿಯಾಗಿ ಕಾನೂನು ಮಾಡಿ ಪ್ರಜಾಪ್ರಭುತ್ವದ ತತ್ವವನ್ನು ಬೀದಿ ಬೀದಿಯಲ್ಲಿ ಹೇಳಿಕೊಂಡು ಹೋಗುವುದಕ್ಕಲ್ಲ. ಹಾಗೆ ನಿಮಗೆ ಏನಾದರೂ ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ನಂಬಿಕೆ ಇದ್ದರೆ ಇದನ್ನು ಮೊದಲು delete ಮಾಡಬೇಕು. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ನಂಬಿಕೆಯಿಲ್ಲ, ಪ್ರಜಾಪ್ರಭುತ್ವದ ಹೆಸರನ್ನ ಹೇಳಿಕೊಂಡು ನಾವು Dictators ಎಂದು ಹೇಳಿ ಕಾನೂನನ್ನು ಮಾಡುವುದಕ್ಕೆ ಹೋದರೆ ಇದು ನ್ಯಾಯವಾಗಿದೆಯೋ ಎಂದು ಕೇಳಬೇಕಾಗಿದೆ. ಇದನ್ನು ನೋಡಿದರೆ ಮಹಾತ್ಮ ಗಾಂಧಿಯವರಿಗೆ ಹೀಗಾಗುತ್ತದೆ ಎಂದು ಆಗಲೇ ಗೊತ್ತಿತ್ತು. ಪ್ರಜಾಪ್ರಭುತ್ವದ ತತ್ವವನ್ನು ಅನುಸರಿಸುವುದಕ್ಕಾಗಿ ನಾನಾ ಸಲಹೆಗಳನ್ನು ಕೊಟ್ಟಿದ್ದರು. ಯಾವಾಗ ಸ್ವರಾಜ್ಯ ಬಂತೋ ಆಗ ಈ ಪಾರ್ಟಿಯ ಹೆಸರನ್ನು ಮುಂದುವರಿಸಬೇಡಿ, ಪ್ರಜಾಪ್ರಭುತ್ವ ಯಶಸ್ವಿಯಾಗಿ ನಡೆಯುವುದಿಲ್ಲ ಎಂದು ಅವೊತ್ತು ಹೇಳಿದುದು ಇವೊತ್ತು ಜ್ಞಾಪಕಕ್ಕೆ ಬರುತ್ತಿದೆ. ಅವರು ಹೇಳಿದ ಹಾಗೆ ಇವೊತ್ತಿನ ದಿವಸ ಮಾಡದೆ ಇರುವುದರಿಂದ ನಾವು ಈ ಕಷ್ಟಕ್ಕೆ ಸಿಕ್ಕಿಕೊಂಡಿದ್ದೇವೆ. ಈ ಕಾನೂನಿನ ಹಿಡಿತದಲ್ಲಿ ಸಿಕ್ಕಿ ಜನ ಬಹಳ ತೊಂದರೆ ಪಡುತ್ತಿದ್ದಾರೆ.

ಮಂತ್ರಿಗಳಾದವರು ಪೂರ್ಣವಾಗಿ ನಾವು ಹೇಳಿದುದನ್ನು ಕೇಳುವುದಕ್ಕೂ ಆಗದಿದ್ದರೆ, ನಾವು ಹೇಳಿ ಏನು ಪ್ರಯೋಜನವಾಗುತ್ತದೆ? ಅವರು ನಾವು ಏನೋ ಹೇಳುತ್ತೇವೆಂದು ಒಂದು ಚಿಕ್ಕ ಮನಸ್ಸಿನಿಂದ ಇರುವಂತೆ ತೋರುತ್ತದೆ. 1942ರಿಂದ ಹಿಂದೆ ಇದ್ದ ಪರಿಸ್ಥಿತಿ ಇವೊತ್ತಿನ ದಿವಸ ಇಲ್ಲ. ಇವೊತ್ತಿನ ದಿವಸ ಇರುವ ಸ್ಥಿತಿ ನಾಳೆ ಇರುವುದಿಲ್ಲ. ಏನೋ ನಮ್ಮ ಆತ್ಮತೃಪ್ತಿಗಾಗಿ ಸುಮ್ಮನೆ ಹರಟೆ ಹೊಡೆಯುತ್ತಿದ್ದೇವೆ, ಏನೋ ಒಂದು ಹೊಟ್ಟೆ ಉರಿಗಾಗಿ ಇಲ್ಲಿ ಹೇಳುತ್ತಿದ್ದೇವೆ ಎಂದು ತಿಳಿದುಕೊಳ್ಳಬಾರದು. ಯಾವ ಕೆಲಸವನ್ನೇ ಆಗಲಿ ಅದನ್ನು ಸರಿಯಾಗಿ ಕಾರ್ಯಗತ ಮಾಡಲು ನಾವುಗಳು ಇಲ್ಲಿ ಸಲಹೆಗಳನ್ನು ಕೊಡುತ್ತಿದ್ದೇವೆ. ನೀವು ಅನುಸರಿಸುತ್ತಿರುವ ಡೆಮಾಕ್ರಸಿ ಇಂಗ್ಲೆಂಡಿನವರದು. ನಿಮ್ಮ Constitutionನಲ್ಲಿ ಅದನ್ನು ಅಳವಡಿಸಿಕೊಂಡಿದ್ದೀರಿ. ಈ ರೀತಿ ಒಂದು ತತ್ವವನ್ನು ಈ ಬಿಲ್ಲಿನಲ್ಲಿ ಅನುಸರಿಸದೆ ಅದನ್ನು ಈ ದಿವಸ ನಾವು ಒಪ್ಪಬೇಕೆಂದು ತಂದಿರುವುದರಿಂದ ನಾವು ಈ ರೀತಿ ಹೇಳಬೇಕಾಗಿ ಬಂದಿದೆ.

ಈಗ ಎಷ್ಟೋ ಮಂತ್ರಿಮಂಡಲಗಳು ಬಂದವು, ಎಷ್ಟೋ ಹೋದವು. ಈ ದಿವಸ ತಾವು ಒಂದು ಕಾನೂನನ್ನು ತಂದಿದ್ದೀರಿ. ಅದನ್ನು ಪರ್ಯಾಲೋಚನೆ ಮಾಡುವಾಗ ಒಂದು ತತ್ವದ ದೃಷ್ಟಿಯಿಂದ ಯೋಚನೆಮಾಡಬೇಕಾಗಿದೆ. ನಮ್ಮ ಹಿತಕ್ಕೆ ವಿರುದ್ಧವಾಗಿರುವ ಕಡೆ ಮಂತ್ರಿಮಂಡಲದ ಆಡಳಿತದ ರೀತಿ

(ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ)

ನೀತಿಗಳನ್ನು ಟೀಕಿಸಬೇಕಾದುದು ನಮ್ಮ ಕರ್ತವ್ಯ. ಇವೊತ್ತಿನ ಆಡಳಿತ ಪಕ್ಷ ಎಂಟು ತಿಂಗಳು ಇರಬಹುದು ಅಥವಾ ಮೂರು ತಿಂಗಳಿರಬಹುದು ಅಥವಾ ಇವೊತ್ತು ಆಡಳಿತದ ಪಕ್ಷ ಆ ಕಡೆ ಇರಬಹುದು, ನಾಳೆ ಇಲ್ಲಿರತಕ್ಕ ಪಕ್ಷದವರು ಆ ಕಡೆ ಬರಬಹುದು. ಆಚಾರ್ಯ ಕೃಪಾಲನಿ ಯವರಂತಹವರೇ ಅಂತಹ ದೊಡ್ಡ ದೊಡ್ಡ ಕಾಂಗ್ರೆಸ್ಸು ಪಕ್ಷದಲ್ಲಿದ್ದವರು ಇವೊತ್ತಿನ ದಿವಸ ಆಡಳಿತ ಪಕ್ಷದಿಂದ ಹೊರಗಡೆ ಬಂದು ವಿರೋಧ ಪಕ್ಷಕ್ಕೆ ಸೇರಿದ್ದಾರೆ.

ಅಧ್ಯಕ್ಷರು.—ತಾವು ಬಿಲ್ಲಿನ ವಿಷಯಗಳನ್ನು ಬಿಟ್ಟು ನಮ್ಮ ಹಿತಕ್ಕೆ ವಿರುದ್ಧವಾಗಿರುವ ಯಾವುದೋ ವಿಚಾರ ವಾಗಿ ಭಾಷಣ ಮಾಡುತ್ತಿದ್ದೀರೆಂದು ತೋರುತ್ತವೆ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ನಾನು ಹೇಳುತ್ತಿ ರುವುದು ಏನೆಂದರೆ ಯಾವ ತತ್ವದ ಮೇಲೆ ಮಾತನಾಡ ಬೇಕೋ ಅದನ್ನು ಸರಿಯಾಗಿ ಹೇಳದಿದ್ದರೆ, ಅದರಿಂದ ನಾನು ಏನು ಹೇಳಬೇಕಾಗಿತ್ತೋ ಅದು ಸಾಧನೆ ಯಾಗುವುದಿಲ್ಲ. ಆಡಳಿತದ ಪಕ್ಷವನ್ನು convince ಮಾಡಬೇಡಿ, ಕುಳಿತುಕೊಳ್ಳಿ ಎಂದು ಹೇಳಿದರೆ ಕುಳಿತು ಬಿಡುತ್ತೇನೆ. ನಾನು ಹೇಳಿದ ತತ್ವಗಳ ಸಾಧನೆಯಾಗ ದಿದ್ದರೆ ಇನ್ನು ಹೆಚ್ಚು ಹೇಳಿ ಪ್ರಯೋಜನವಿಲ್ಲ. ಜನ ಇನ್ನು ಎಷ್ಟು ದಿವಸಗಳವರೆಗೆ ಈ ಆಡಳಿತದ ರೀತಿನೀತಿ ಗಳನ್ನು ಸಹಿಸಿಕೊಂಡಿರುತ್ತಾರೆ ಎಂದರೆ, ಇರುವುದಿಲ್ಲ ಎಂದು ಹೇಳಬೇಕಾಗಿದೆ. ಈ ವಿಷಯ ಸರಿಹೋಗದೆ ಹೋದರೆ ಈ ಕಡೆ ಇರುವವರು ಆ ಕಡೆ ಹೋಗ ಬಹುದು, ಆ ಕಡೆಯವರು ಈ ಕಡೆಗೆ ಬರಬಹುದು. ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ success or failure ನಾವು ಅನುಸರಿಸುವ ನೀತಿಗೆ ಅನುಸಾರವಾಗಿ ಇರುತ್ತದೆ.

ಶ್ರೀ ಎಂ. ಎಂ. ಪಾಟೀಲ್.— ಶ್ರೀಮತಿ ಕೃಪಾಲನಿ ಯವರು ಇನ್ನೂ ಕಾಂಗ್ರೆಸ್ಸು ಪಕ್ಷದಲ್ಲಿದ್ದಾರೆ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಇರಬಹುದು. ಆದರೂ ನಾನು ಹೇಳುವುದು ಇವೊತ್ತಿನ ದಿವಸ ಕಾಂಗ್ರೆಸ್ಸು ಪಕ್ಷದವರು ಕೈ ಎತ್ತುವುದರ ಮೂಲಕ ಈಗ ಸಪೋರ್ಟೇನೋ ಮಾಡಬಹುದು. ಏಕೆಂದರೆ ಅವರು ಒಂದು ಪಕ್ಷದ ನಾಯಕರ ಮಾತಿಗೆ ಬದ್ಧರಾಗಿ ಹಾಗೆ ಮಾಡಬೇಕಾಗಿದೆ. ಒಂದು ದೃಷ್ಟಿಯಿಂದ ಅವರೆಲ್ಲರೂ ಆತ್ಮಪೂರ್ವಕವಾಗಿ ಒಪ್ಪುತ್ತಾರೆಂದು ನಾನು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

I am opposing for the sake of you all, not for me.

ಆದ್ದರಿಂದ ನಾನಿನ್ನೇನೂ ಹೇಳಬೇಕಾಗಿಲ್ಲ. ನಾನು ಹೇಳಿದ ಈ ಒಂದು ಅಂಶವನ್ನು ತಾವೆಲ್ಲರೂ ತಿಳಿದು ಕೊಂಡು ಇದು ಪಾಸಾಗುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡ ಕೂಡದು. ಸೂಚಕರೂ ದಯವಿಟ್ಟು ಇದನ್ನು delete ಮಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಡಬೇಕು. ಒಂದು ವೇಳೆ ಅವಕಾಶ ಕೊಡಲಿಲ್ಲವೆಂದರೆ, ಏನೋ ಮಾಡಿಕೊಳ್ಳಲಿ, ಎಷ್ಟು ವರ್ಷ ಮಾಡಿಕೊಳ್ಳುತ್ತಾರೆ ಎಂದು ಸದ್ಯಕ್ಕೆ ಸುಮ್ಮನಿರಬೇಕಾಗುತ್ತದೆ. ನಾವು ಆ ಕಡೆಗೆ ಬಂದಾಗ ತಿರುಗಿ ಕಿತ್ತು ಹಾಕುವುದಿದ್ದೇ ಇದೆ. ತಂಬೂಚೆಟ್ಟರು ಇನ್ನೇನು ಮನೆಗೆ ಹೋಗುವಾಗ ಅನ್ಯಾಯಗಳನ್ನು ಮಾಡಿಬಿಡಲಿಲ್ಲವೇನು ? 168-198 ಜನರೋ ಎಷ್ಟೋ ಜನ ಅಸಿಸ್ಟೆಂಟ್ ಕಮಿಷನರು ಗಳನ್ನು ಅಮಲ್ದಾರರುಗಳನ್ನೂ ತಂದು ತುಂಬಿಬಿಡ ಲಿಲ್ಲವೇ ? ಲೆಕ್ಕವಿಲ್ಲ, ಪತ್ರವಿಲ್ಲ, ಅರ್ಹತೆಯೇನೂ ಇಲ್ಲ, ಸುಮ್ಮನೆ ಯಾರ್ಯಾರನ್ನೋ ತಮ್ಮ ಕಡೆಯವರನ್ನು ತಂದು ಹಾಕಿದರು. ಹಾಗೆಯೇ ಇದರ ಮುಖಾಂತರವೂ ಮಾಡಲು ಏನೇನೋ ಸೇರಿಸಿ ಬಿಟ್ಟು ಮಾಡಿ ಕೊಳ್ಳಿರಿ. ನ್ಯಾಯವೋ ಅನ್ಯಾಯವೋ, ಒಳ್ಳೆಯದೋ ಕೆಟ್ಟದ್ದೋ ಎಲ್ಲ ನಿಮಗೇ ಸೇರುತ್ತದೆ. ಯಾವ ಪ್ರಪಂಚದಲ್ಲೂ ಇಲ್ಲದಿರುವ ಅನ್ಯಾಯದ ಪರಮಾವಧಿ ಇದು. ಇವೊತ್ತಿನ ದಿವಸ ನಿಜವಾಗಿ ಪ್ರಜಾಪ್ರಭುತ್ವ ದಲ್ಲಿ ನಂಬಿಕೆಯುಳ್ಳವರು ಯಾರೂ ಇದನ್ನು support ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಆದ್ದರಿಂದ ಪ್ರಜಾ ಪ್ರಭುತ್ವಕ್ಕೆ ಅನ್ಯಾಯ ಮಾಡುತ್ತಿರುವ ಗುಂಪಿಗೆ support ಮಾಡಕೂಡದೆಂದು ನಾನು ಎಲ್ಲರಿಗೂ ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ.

Sri V. S. PATIL.—I want to reply.

Mr. SPEAKER.—There is no question of reply.

***Sri M. P. PATIL.**—Sir, the various objections raised by the members of the Opposition have been replied to by the Hon'ble Member Sri Shamsuddin and therefore I have very little to say. It is apprehended that the Tribunal may decide on some issues and as there will be finality for its decision, the Civil Courts will have no power to go into them. It was also alleged that, as this Tribunal has no rules and regulations, it may give decisions on any issues. That is not the case. The Tribunal is governed by rules and regulations. Its powers are defined and the Tribunal can hear cases only under some Acts which are mentioned in this Bill. It will therefore be evident that the Tribunal will decide the issues and cases which come under these Acts. Supposing the Tribunal decides certain issues which are not within its powers, naturally according to law it will be *ultra vires* and then the Civil Court can go into them. The Tribunal can decide upon those issues which lie within its powers and its decisions thereon must have finality. Otherwise, the decisions of the Tribunal will have no meaning at all. If the decisions of the Tribunal are to be questioned in any court of law, then why should we take all this trouble ? Let us abolish these tribunals and entrust this work to the judicial courts. Supposing the Civil Court is given the power to decide upon the issues which lie within the powers of the Tribunal, then there is no finality. Litigation will start from the Original Court and then there is unnecessary waste of time and money. There must be finality to the decisions which the Tribunal takes.

As regards High Court, I have already explained the point and there is no necessity to explain it again. 'Any

court of law' does not include the High Court. Naturally, the High Court has inherent powers according to the Constitution and therefore the idea is not to restrict the powers of the High Court and even if we try to it will be *ultra vires*.

By way of information, I would like to tell the members of the old Mysore State that the Old Mysore Act has also a similar provision. For instance, section 11 of the old Mysore Board of Revenue Act, 1955 has got this provision:

> "Save as otherwise expressly provided in this Act or in any other law for the time being in force, the decision of the Board in pursuance of any power or function vested in it, shall be final and and shall not be questioned in any court of law."

It is exactly the same provision which has been included in this Bill. So, for all the reasons I have given just now, I am unable to accept the amendment moved by the Hon'ble Member Sri Patil. Therefore, I oppose it.

Mr. SPEAKER.—The question is :

> 'The words "and shall not be called in question in any court of law" shall be deleted.'

The motion was negatived.

Mr. SPEAKER.—The question is :

> "That Clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Mr. SPEAKER.—I shall put clauses 9, 10, 11, 12 to the House.

Sri V. S. PATIL.—I want to speak on clause 12.

Mr. SPEAKER.—You may do so.

Sri V. S. PATIL.—Sir, clause 12 says that 'in the Mysore Board of Revenue Act, 1955, sub-section (1) of section 4, sections 6, 11 and 12 and the Schedule shall be omitted." It appears from this clause that the Mysore Board of Revenue Act, 1955, is not to be repealed but only certain provisions of that Act are sought to be repealed. I do not understand why sections 4, 6, 11 and 12 and the Schedule have only been selected for repeal. If we look to the structure of the old Act and the present Bill, it will be quite clear that the provisions contained in sections 3, 4, 5, 6, 7, 8 and 9 have been incorporated in the present Bill. When all these provisions are there, why only part section 4, and sections 6, 11 and 12 have been chosen for repeal I do not understand. If we proceed further, we will see that the whole structure of the old Act has been incorporated in the present Bill. It means that all the powers that were vested in the old body under the old Act are to be exercised by the new body when it comes into force on a certain date. Where was the necessity to keep alive the old Act and the body that was constituted under the old Act? What is the necessity of that body when all these functions are to be performed by the new body under this Bill?

So I submit that instead of repealing only these three sections the whole Chapter 2 of the old Act should be repealed as it is of no use at all now. Government may think over this matter and then bring a comprehensive Bill instead of rushing through the present Bill.

Further, in this Bill there is a reference in clause 4 to the various Acts in Bombay, Coorg, Hyderabad and old Mysore. I do not know why those Acts should be kept alive when a specific provision has been made to deal with all the matters covered by those Acts. I do not know why those Acts should not be repealed when those functions are now to be performed by the Revenue Appellate Tribunal. It appears that Government has not given due consideration to the effect of the present Act on the various other Acts. So I submit that Government may once again reconsider this clause 12 and include all those Acts also under which the various bodies were created so that they may be repealed.

*Sri M. P. PATIL.—Sir, the old Mysore Act was made applicable to the

(SRI M. P. PATIL)

new State by 'Adaptation of Laws Order' which was promulgated at the time of integration. Therefore, some of the provisions which are not to be applicable now are to be dropped. For instance, I explained in my first speech that in the original Act Government had reserved to it the powers of revision. In this Bill we have dropped those powers and consequently the schedule also has to be dropped. Then, sections 11 and 12 also have to be dropped because separate bodies have been provided. Section 12 is about court fee which is provided for separately. Therefore, we have to mention in this Bill that these sections are to be dropped.

Mr. SPEAKER.—The question is:

"That Clauses 9, 10, 11 and 12 stand part of the Bill."

The motion was adopted.

Clauses 9, 10, 11 and 12 were added to the Bill.

Mr. SPEAKER.—Clause 13.

Sri K. MALLAPPA.—Sir, I beg to move the following amendment:

'In clause 13 the words and figure "specified in section 4" occurring in line 3 shall be omitted.'

Mr. SPEAKER. — Amendment moved:

'In clause 13 the words and figure "specified in section 4" occurring in line 3 shall be omitted.'

*Sri K. MALLAPPA.—Sir, it is obvious that the object of this particular clause is to remove all doubts and to declare the functions exercised by the Tribunal to be valid. The words "specified in section 4" seem to have found a place in this clause through inadvertence. Clause 4 refers to certain statutes only. It is possible that the present Tribunal may have to exercise functions in respect of other statutes not mentioned in clause 4. My object in moving this amendment is to make this clause more comprehensive and to remove all doubts and difficulties in respect of the functions which are to be exercised by the Tribunal. I hope that my Hon'ble friend Sri Muckannappa will not have any objection to this innocuous provision and I hope the Hon'ble Minister will accept this harmless amendment so that the saving clause may be as comprehensive as possible and the decisions given by the Tribunal may be free from doubt and they may be valid.

Sri V. S. PATIL.—Sir, so far as this clause and the amendment are concerned I cannot understand why this saving clause has been inserted here. My Hon'ble friend wants to widen the scope of this saving clause. Just now while replying to the previous clause the Hon'ble Minister was pleased to state that the Mysore Act was made applicable to the rest of the area by the Adaptation of Laws Order. I think nobody can challenge the validity of the Adaptation of Laws Order. When that is the position I cannot understand why this saving clause has been inserted here. Is Government afraid that whatever it has done is likely to be declared illegal? Is it in order to save its acts in the past that it wants this saving clause here? I should like to have an explanation from the Hon'ble Minister as to why this saving clause has been put in here.

*Sri M. P. PATIL.—Sir, the words "specified in section 4" do not really carry the sense which the Hon'ble Member thinks it carries. For instance, the Mysore Board of Revenue was exercising powers regarding sales tax matters also. It was functioning as the Sales Tax Tribunal also. If we retain these words, then it will mean that only those Acts mentioned in section 4 are covered. That section does not include the Sales Tax Act also. The idea is that this should include the cases tried by the Tribunal under the Sales Tax Act mainly. Then we have got cases from Hyderabad and Bombay. In Hyderabad, there are no Acts but only some regulations. In the circumstances, if we say that this shall apply only to the Acts specified in section 4, then the

other cases will be excluded. The clause as it stands reads :

"For the removal of doubts it is hereby declared that any functions exercised by the Mysore Board of Revenue under any law specified in section 4,..."

If we retain this wording then the saving will be confined only to the laws specified in section 4. The idea is to cover all the cases which were tried by the Revenue Board in the past. Therefore, I accept the amendment.

Mr. SPEAKER.—The question is :

'In clause 13 the words and figure "specified in section 4" occurring in line 3 shall be deleted.'

The motion was adopted.

Mr. SPEAKER.—The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

5 P.M.

Mr. SPEAKER.—The question is :

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri M. P. PATIL.—Sir, I beg to move:

"That the Mysore Revenue Appellate Tribunal Bill, 1957, as amended, be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Revenue Appellate Tribunal Bill, 1957, as amended, be passed."

The motion was adopted.

MYSORE ANATOMY BILL, 1957

Motion to consider.

Sri V. VENKATAPPA (Minister for Education).—I beg to move :

"That the Mysore Anatomy Bill, 1957, be taken into consideration."

Mr. SPEAKER.—Motion moved:

"That the Mysore Anatomy Bill, 1957, be taken into consideration"

ಶ್ರೀ ವಿ. ವೆಂಕಟಪ್ಪ.—ಸ್ವಾಮಿ, ಈ ಮಸೂದೆಯ ವಿಷಯದಲ್ಲಿ ಬಹಳ ಮಟ್ಟಿಗೆ ಯಾರೊಬ್ಬರ ಭಿನ್ನಾಭಿಪ್ರಾಯವೂ ಇರಲಾರದೆಂದು ನಾನು ಅಂದುಕೊಂಡಿದ್ದೇನೆ. ಇದು ಬಹಳ ಅವಶ್ಯಕವಾದಂಥ ಮಸೂದೆ. ನಮ್ಮ ದೇಶದಲ್ಲಿ ಇಲ್ಲಿಯುವರೆಗೂ ಇಂಥ ಒಂದು ಆಕ್ಟ್ ಜಾರಿಯಲ್ಲಿರಲಿಲ್ಲ. ಆದರೆ ಇತ್ತೀಚೆಗೆ ನಮಗೆ ಹೊಸದಾಗಿ ಸೇರಿರತಕ್ಕ ಬೇರೆ ಬೇರೆ ಕನ್ನಡ ಭಾಗಗಳಲ್ಲಿ ಈಗ ಈ ರೀತಿಯ ಒಂದು ಕಾನೂನು ಜಾರಿಯಲ್ಲಿದೆ. ಆದುದರಿಂದ ಈಗ ಇಲ್ಲಿಯೂ ಇದರ ಅವಶ್ಯಕತೆ ಕಂಡು ಬಂದಿದೆ. ಆದುದರಿಂದ ತಾವುಗಳೆಲ್ಲರೂ ಈ ಮಸೂದೆಯನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೀರೆಂದು ಭಾವಿಸಿದ್ದೇನೆ.

***Dr. T. PARTHASARATHY** (Malleswaram).—Mr. Speaker, Sir, I welcome this Bill though I am on the opposite side because our institutions who carry out this scientific work are finding it very dificult without an enactment like this. It is a great problem to obtain such bodies and I personally know that we had to wait for several weeks to get a part dissected. I would like to suggest to the Hon'ble Minister to include a clause in this Bill making provision to accept voluntary donation of a dead body during the person's life-time. It is done in Western countries. A person donates his body after death for the growth of scientific knowledge. There is no similar provision here.

The second thing I would like to bring to the notice of the Hon'ble Minister is that nothing has been provided here regarding the disposal of the remnants of the body. I have observed that remnants of the dead bodies are cremated in a very ugly manner. Provision must be made here or at least instructions must be issued to the concerned for the disposal of the remnants and they must be given a dignified burial as the ill-fated would have enabled the growth of scientific knowledge. Then, the transfer of a dead body from the place where it is